

C/m

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**INCORPORATED VILLAGE OF VALLEY
STREAM and the VALLEY STREAM FIRE
DEPARTMENT,**

Defendant.

CIVIL ACTION NUMBER

06-CV-5049 (LDW) (ARL)

CONSENT DECREE

In consideration of the mutual promises of each party to this Decree, the sufficiency of which is hereby acknowledged, the parties agree as follows, the Court finds appropriate, and it is therefore ORDERED, ADJUDGED AND DECREED that:

1. This action was filed on September 19, 2006; an amended complaint was filed on April 28, 2008.
2. The Equal Employment Opportunity Commission ("EEOC"), an agency of the United States Government, alleged that, prior to January 1, 2004, Defendants Incorporated Village of Valley Stream ("Valley Stream") and the Valley Stream Fire Department ("VSFD") discriminated against Salvatore Spinnichia and a class of similarly situated active volunteer firefighters, age 65 and older, by not allowing them to accrue credit towards a length of service award because of their age, in violation of the Age Discrimination in Employment Act of 1967, as amended ("ADEA").

3. Valley Stream and VSFD ("Defendants") assert that they fully complied with the state statute authorizing the Valley Stream Length of Service Award Program ("Valley Stream LOSAP"), and do not admit any unlawful conduct or wrong-doing.

4. The parties agree for purposes of this decree only and the Court finds that this Court has jurisdiction of the subject matter of this action and of the parties and that venue is proper. This Decree is being issued with the consent of the parties. No party shall contest the validity of this Decree, nor the jurisdiction of the Federal District Court to enforce this Decree and its terms.

5. This Decree resolves all matters in Civil Action No. 06-CV-5049 (LDW) (ARL), filed in the United States District Court for the Eastern District of New York, and all matter in EEOC Charge No. 160-2005-03151.

6. This Decree does not affect EEOC's right to process any unrelated pending or future charges that may be filed against Defendants, and to commence civil actions on any such charges.

7. Defendants will not prevent active volunteer firefighters from receiving service award credit in the Valley Stream LOSAP because of their age. This prohibition will not prevent Defendants from otherwise amending the Valley Stream LOSAP in accordance with state and federal law.

8. Defendants will pay a total of One Hundred Seventy-Four Thousand Nine Hundred Eighty-Eight Dollars (\$174,988.00), in resolution of all claims asserted in the action. The moneys will be distributed as follows:

(a) Within ten (10) days of entry of this Decree, Defendants will mail each of the nine (9) Claimants identified in Sealed Exhibit A a check for the amount identified in

Scaled Exhibit A. A copy of each check payable to a Claimant will be forwarded to Michael J. O'Brien, Esq., Equal Employment Opportunity Commission, 33 Whitehall Street, 5th Floor, New York, NY 10004-2112, contemporaneously with the issuance of each check to each claimant. For each check, Defendants will issue an IRS form W2 and make appropriate withholdings.

9. Defendants and their managers, officers, agents, successors and assigns will not retaliate against Salvatore Spinnichia or any other individual for asserting her or his rights under the ADEA, or for participating in this matter or assisting the EEOC in any way.

10. No later than fourteen (14) days after the entry of this Decree, Defendants shall post, at each VSFD firehouse, a copy of a notice in the form attached hereto as Exhibit B, which shall remain posted for no less than five (5) years.

11. Defendants will adopt a diversity policy for VSFD firefighters that addresses all statutes enforced by the EEOC, in the form attached hereto as Exhibit C.

12. Within two (2) months of this Decree, all VSFD firefighters will be required to attend at least two (2) hours training on the diversity policy. The training will be conducted by Mr. Stanley Jacoby, SJ Consultants, 39 Ruth Drive, New City, NY 10956, or some other mutually acceptable trainer.

13. Within two (2) months of this Decree, Defendants will post, at all VSFD firehouses, the "Equal Employment is the Law" poster available at the EEOC's public webpage, www.eeoc.gov.

14. This Consent Decree shall continue in force and effect for a period of five (5) years from entry of this Decree, and will expire five (5) years from the date of entry. During that


time, even if the case is closed administratively, this Court shall retain jurisdiction over this matter and the Parties for the sole purpose of enforcing the Decree.

15. Each of the Parties to this Decree shall bear its respective costs and attorneys' fees

in this matter.

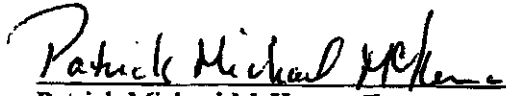
APPROVED AND CONSENTED TO BY THE PARTIES:

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION (by)


Elizabeth Grossman
Regional Attorney
Equal Opportunity Employment
Commission
33 Whitehall Street, 5th Floor
New York, New York 10004


11/28/08
(Dated)

INCORPORATED VILLAGE OF VALLEY STREAM
VALLEY STREAM FIRE DEPARTMENT


Patrick Michael McKenna, Esq.
Village Attorney
McKenna & Schneier
10 Adair Court
Malverne, New York 11565-1007

November 26, 2008
(Dated)

SO ORDERED:


The Honorable Leonard D. Wexler
United States District Judge
CENTRAL ISLIP, NY
1/30/09